

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Forest Department - Diversion of 38.90 Ha of forest land in Penukonda Addl.I and Koriga RFs, of Ananthapur Division, Ananthapur District for setting up of 17.60 MW Wind Power Project, in favour of M/s Enercon (India) Ltd., Hyderabad - Permission accorded - Orders - Issued.

ENVIRONMENT, FORESTS, SCIENCE & TECHNOLOGY (FOR.I) DEPARTMENT

G.O Ms. No. 19

Dated:13 -02-2013.

Read the following:-

1. From PCCF, AP, Hyderabad, Lr.Rc.No.30515/2009-F3, dt: 22-07-2011.
2. State Govt., Lr. No.5541/For.I (1)/2011, dt. 22-08-2011
3. From GOI, MoEF. Lr. F.No.4-APC831/2011-BAN/1246, dt.22-05-2012.
4. State Govt., Lr. No.5541/For.I (1)/2011, dt. 10-10-2012.
5. From GOI, MoEF. Lr. F.No.4-APC831/2011-BAN/2702,dt.18-01-2013.

ORDER:

The Principal Chief Conservator of Forests, Andhra Pradesh, Hyderabad in his letter 1st read above, has submitted a proposal under Forest (Conservation) Act, 1980, for diversion of 38.90 Ha of forest land in Penukonda Addl.I and Koriga RFs, of Ananthapur Division, Ananthapur District for setting up of 17.60 MW Wind Power Project, in favour of M/s Enercon (India) Ltd., Hyderabad, and requested to forward the same to Government of India, Ministry of Environment & Forests, for according necessary approval under Section-2 of Forest (Conservation) Act, 1980.

2. The said proposal was sent to Government of India, Ministry of Environment & Forests, for their approval under Section-2 of Forest (Conservation) Act, 1980 vide State Government letter 2nd read above.

3. Government of India, Ministry of Environment & Forests, vide their letter 3rd read above, have accorded their approval in-principle (Stage.I) under Section-2 of Forest (Conservation) Act, 1980, for the proposal, subject to compliance of certain conditions as stipulated therein.

4. The State Government vide letter 4th read above, have furnished compliance report on the conditions stipulated by the Government of India, Ministry of Environment & Forests, while according in-principle (Stage.I) approval.

5. Government of India, Ministry of Environment & Forests, in their letter 5th read above, have accorded their approval (Stage.II) under Section-2 of Forest (Conservation) Act, 1980, for diversion of 38.90 Ha of forest land in Penukonda Addl.I and Koriga RFs, of Ananthapur Division, Ananthapur District for setting up of 17.60 MW Wind Power Project, in favour of M/s Enercon (India) Ltd., Hyderabad, subject to compliance of certain conditions as stipulated therein.

6. Government after careful examination of the proposal, hereby accord permission to the Principal Chief Conservator of Forests, Andhra Pradesh, Hyderabad, for diversion of 38.90 Ha of forest land in Penukonda Addl.I and Koriga RFs, of Ananthapur Division, Ananthapur District for setting up of 17.60 MW Wind Power Project, in favour of M/s Enercon (India) Ltd., Hyderabad, subject to the following conditions:-

- (i) The legal status of the forest land shall remain uncharged.

(Contd-2)

- (ii) The Compensatory Afforestation shall be raised over 43.38 ha. of identified non-forest land in Sy. No.229-1 of Mulakanur Village of Kambabur Mandal & Sy. No.1286, 1287, 1288/1A, 1313/A, 1313/B, 1313/C, 1314/A, 1328/1, 1329, 1334, 1346/1, 1358 & 1359 of Cherlopalli Village of Purlur Mandal of Ananthapur District at the cost of User Agency.
- (iii) User Agency shall furnish an undertaking that if any portion of the CA land is found to be unsuitable, equivalent additional suitable land shall be given to the Forest Department. This is subject to furnishing an undertaking in this regard.
- (iv) No-forest land for compensatory afforestation shall be notified by the State Government as PF / RF under Indian Forest Act, 1927 or the State Forest Act and Nodal Officer (FCA) shall report the compliance within 6 months.
- (v) Additional amount of the Net Present Value (NPV) of the diverted forest land if any becoming due after revision of the same by the Hon'ble Supreme Court of India in future, shall be charged by the State Government from User Agency.
- (vi) User Agency shall demarcate the project area by erecting cairns (60 Cm high) at 20 Mt. interval with available stones and indicate the marking of forward and backward bearing on these cairns. After construction of approach road as per the project plan, these cairns shall be replaced by four feet high RCC pillars at the project cost indicating on each pillar the forward and backward bearing as well as distance between the adjacent pillars.
- (vii) The alignment of roads in the proposed area shall be done by a recognized firm and got approved by the Divisional Forest Officer concerned before implementation of the project. The approach road will, however, be available for use of the Forest Department or any person authorized by the Forest Department.
- (viii) The lease rent of Rs.30,000/- per MW realized from the user agency shall be utilized in providing gas connections to the local villagers under the Joint Forest Management Programme and for other conservation measures.
- (ix) The lease period shall be for 30 years as per the guidelines issued by Ministry of Environment & Forests (MoEF) vide letter No. 8-84/2002-FC dated 14-05-2004. In case User Agency proposes to transfer the lease in favour of investors / power producers, it shall be done within a period of 4 years from the date of issue of final approval. In case User Agency fail to develop wind farm, then the land shall be reverted back to Forest Department without any compensation.
- (x) The vane tips of the wind turbine shall be painted with orange colour to avoid bird hits. The location of the wind mill shall be such that it does not stand in the migratory path of the birds and is not near the breeding sites of the migratory birds.
- (xi) About 65-70% of leased out area in the wind farm shall be utilized for developing medicinal plant gardens, wherever possible, by the State Forest Department at the project cost. The State Government may take the help of National Medicinal Plant Board in creating corridors of medicinal plant gardens. The intervening areas between two wind mills foot prints should also be planted up by dwarf species of trees at the project cost.
- (xii) Soil and moisture conservation measures like contour trenching shall be taken up on the hillocks supporting the wind mill at the cost of User Agency. Roadside plantations shall be taken up on either side of the approach road and roads in the project area.

- (xiii) Adequate fire protection measures, including employment of fire watchers and maintenance of the fire line, etc, shall be undertaken by the User Agency in and around the project area at its own cost in consultation with the local Divisional Forest Officer.
- (xiv) Within the perimeters of wind farm, smaller turbines may be allowed for optimization of wind energy.
- (xv) The wind turbine / wind mills to be used on forest lands shall be approved for use in the country by the Ministry of Non-Conventional Energy Sources, Government of India.
- (xvi) The Wind Mills shall not be established within 300 Meters from Highways and village habitations.
- (xvii) Any tree felling shall be done only when it is unavoidable, and that too under strict supervision of the State Forest Department and at the cost of the project.
- (xviii) All existing rights of way if any, shall continue to exist.
- (xix) The forest land shall not be used for any purpose other than what is specified in the proposal.
- (xx) Other standard conditions in practice as per this Ministry's guidelines for Wind Power projects shall also be applicable in the instant case.
- (xxi) Technical parameters will not be changed without prior approval of Ministry of Environment & Forests.
- (xxii) User Agency shall comply with the conditions that may be imposed in case there is any change in the Guidelines under Forest (Conservation) Act, 1980, with regard to wind mills.
- (xxiii) The total forest area utilized for the project shall not exceed 38.90 ha. In case the land is not taken over and is not used for the stipulated purpose by User Agency within a period of two years from the date of Stage-II approval, then the clearance shall stand automatically revoked.
- (xxiv) Any other condition that the Additional Principal Chief Conservator of Forests (Central), Regional Office, Bangalore may impose from time to time in the interest of conservation, protection and development of forest & wildlife.

7. The Principal Chief Conservator of Forests, Andhra Pradesh, Hyderabad is directed to take further necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M. SAMUEL,
SPECIAL CHIEF SECRETARY TO GOVERNMENT.

To
The Principal Chief Conservator of Forests,
Andhra Pradesh, Hyderabad.

Copy to:

The Chief Conservator of Forests (Central)
Government of India, Ministry of Environment & Forests,
Regional Office (Southern Zone) Kendriya Sadan, IV Floor, E & F Wings,
17th Main Road, II Block, Koramangala, BANGALORE -560 034.
M/s Enercon (India) Ltd., No. 6-3-1099/1100, # 204 & 205.,
Babukhan's Millennium Centre, Rajbhavan Road, Somajiguda, Hyderabad -500082.
SF/SC

//FORWARDED :: BY ORDER//

SECTION OFFICER.